

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ryan et al.

Serial No.: 09/913,425

International Filing Date: February 17, 2000

International App. No. PCT/GB00/00573

For: AN AUTOMATED SYSTEM FOR EXCISING PROTEINS
FROM TWO-DIMENSIONAL ELECTROPHORESIS GELS

Commissioner for Patents
Box PCT
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.47

Dear Sir:

1. I, Mr. David Byatt, currently hold the position of Managing Director at Genomic Solutions Limited and am a co-inventor on the above-identified application. I am over the age of 18. I have personal knowledge with respect to the matters set forth below.

2. On October 22, 2001, a letter was sent to Dr. Kevin Auton at his last known work address of NextGen Sciences, Ltd, Alconbury North Airfield, Bldg. 56, Alconbury, Huntingdon, Cambridgeshire, UK, PE28 4DA, requesting that he execute the Power of Attorney for the above-identified application, as shown in paragraph 3 of the letter. A copy of the October 22, 2001 letter, as well as a copy of the Combined Declaration and Power of Attorney form sent to Dr. Auton is attached as Exhibit 1.

3. On October 29, 2001, the undersigned personally contacted Dr. Auton at his work address by telephone. Dr. Auton informed the undersigned that he had received the October 22, 2001 letter. The undersigned explained the necessity of receiving Dr. Auton's assistance with respect to execution of the Power of Attorney. Dr. Auton indicated that he would not sign the Power of Attorney.

4. On November 6, 2001, the undersigned again personally attempted to contact Dr. Auton at his work address by telephone. Dr. Auton was "unavailable to talk to" the undersigned. The undersigned again explained to Dr. Auton's Personal Assistant, Hazel

Paul E. Fenn
Notary Public

Jeffrey, the necessity of receiving Dr. Auton's assistance with respect to execution of the Power of Attorney.

5. On November 20, 2001, the undersigned had a meeting with Paul Ryan, another inventor on this application. At that meeting, Mr. Ryan stated he had recently met with Dr. Auton and Dr. Auton had indicated that he would not sign the Power of Attorney.

6. On December 11, 2001, a second letter, including a copy of the above identified application and a Power of Attorney, was sent to Dr. Auton's last known home address of 42 Croftfield, Godmanchester, Cambridgeshire PE18 8ED, via Royal Mail Inland Recorded Delivery (ref. RT 3040 4379 5GB), requesting that he execute the enclosed Power of Attorney after reviewing the above-identified application, as shown in paragraph one of the letter. A copy of the December 11, 2001 letter sent to Dr. Auton is attached as Exhibit 2.

7. Dr. Auton was not at his home address and could not take delivery, the Royal Mail Inland Recorded Delivery Service left documentation at the address advising Dr. Auton that he should contact them to arrange delivery.

8. On December 13, 2001, the undersigned personally attempted contact with Dr. Auton at his work address by telephone. Dr. Auton was unavailable. The undersigned again explained to Dr. Auton's personal assistant, Hazel Jeffrey, the necessity of receiving Dr. Auton's assistance with respect to execution of the Power of Attorney.

9. On December 17, 2001, the undersigned personally attempted contact with Dr. Auton at his work address by telephone. Dr. Auton was unavailable. Hazel Jeffrey was also unavailable.

10. The undersigned has personally contacted Royal Mail Inland Recorded Delivery on December 12, 2001 and also on December 17, 2001 to ascertain that Dr. Auton has taken delivery of the December 11, 2001 letter and Power of Attorney. Dr. Auton has not contacted the Royal Mail Inland Recorded Delivery to arrange delivery and the package remains in the depot.

11. On December 18, 2001, the undersigned personally contacted Royal Mail Inland Recorded Delivery to ascertain that Dr. Auton has taken delivery of the December 11, 2001 letter and Power of Attorney. Royal Mail Inland Recorded Delivery confirmed that Dr. Auton has taken delivery on December 17.

12. On December 18, 2001, the undersigned personally contacted Dr. Auton at his work address by telephone. Dr. Auton informed the undersigned that he had received the December 11, 2001 letter and Power of Attorney. The undersigned explained the necessity of

John E. Fenn
Notary Public.

receiving Dr. Auton's assistance with respect to execution of the Power of Attorney. Dr. Auton indicated that he would not sign the Power of Attorney.

13. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

January 4, 2002

December 18, 2001

Date 4 January 2002

David Byatt

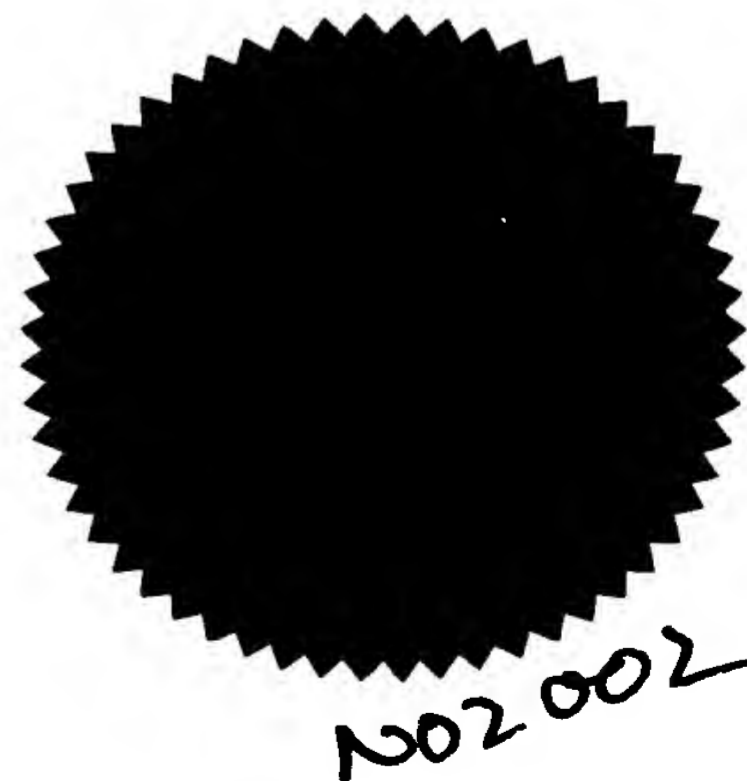
Mr. David Byatt

Subscribed and sworn to me this 4th day of January 2002 ~~December, 2001~~.

Notary Public

John E. Lee
Notary Public
Saint Ives, Cambridge
England.

David William Byatt
identified by UK
Passport No 009072107



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION		Attorney Docket No.		65446-0082																															
		First Named Inventor		Paul Thomas Ryan, et al..																															
		COMPLETE IF KNOWN																																	
		Application No.																																	
		Filing Date																																	
		Group Art Unit																																	
Examiner Name																																			
<p>As a below named inventor, I hereby declare that:</p> <p>My residence, post office address, and citizenship are as stated below next to my name.</p> <p>I believe I am the original, first and sole inventor (only if one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px auto; width: 80%;">An Automated System For Excising Proteins From Two-Dimensional Electrophoresis</div> <p style="text-align: center;"><i>(Title of the Invention)</i></p> <p>the specification of which</p> <p><input type="checkbox"/> is attached hereto or</p> <p><input checked="" type="checkbox"/> was filed on <u>17/Feb./2000</u>, as United States Application Number or PCT International Application Number: PCT/GB00/00573 and was amended on _____ (if applicable).</p> <p>I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.</p> <p>I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56.</p>																																			
<p>I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.</p> <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Prior Foreign Application Number(s)</th><th>Country</th><th>Foreign Filing Date (MM/DD/YY)</th><th>Priority Not Claimed</th><th colspan="2">Certified Copy Attached</th></tr><tr><th></th><th></th><th></th><th></th><th>YES</th><th>NO</th></tr></thead><tbody><tr><td></td><td></td><td></td><td></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td></td><td></td><td></td><td></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td></td><td></td><td></td><td></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr></tbody></table> <p><input type="checkbox"/> Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:</p>						Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YY)	Priority Not Claimed	Certified Copy Attached						YES	NO					<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>
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<p>I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.</p> <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Application Number (s)</th><th>Filing Date (MM/DD/YY)</th><th rowspan="6" style="vertical-align: top; padding: 10px;"><input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.</th></tr></thead><tbody><tr><td>60/120,471</td><td>17/Feb/1999</td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr></tbody></table>						Application Number (s)	Filing Date (MM/DD/YY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.	60/120,471	17/Feb/1999																									
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60/120,471	17/Feb/1999																																		

Please type a plus sign in this box:

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PTO/SB/01 (3-97)

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DECLARATION - Utility Or Design Patent Application							
I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the matter provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.							
U.S Parent Application Number		PCT Parent Number		Parent Filing Date (MM/DD/YYYY)		Parent Patent Number (if applicable)	
<input type="checkbox"/> Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto							
As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: <input checked="" type="checkbox"/> Customer Number 010291 Or <input type="checkbox"/> Registered practitioner(s) name/registration number listed below							
						Place Customer Number Bar Code Label Here	
Name		Registration Number		Name		Registration Number	
JAMES F. KAMP		41,882					
<input type="checkbox"/> Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.							
Direct all correspondence to <input checked="" type="checkbox"/> Customer Number or Bar Code Label		010291		or <input type="checkbox"/> Correspondence Address below			
Name		James F. Kamp, RADER, FISHMAN & GRAUER, PLLC					
Address		39533 Woodward Avenue, Suite 140					
City, State, Zip		Bloomfield Hills, Michigan 48304					
Country		US		Telephone		248-594-0656	
				Fax		248-594-0610	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.							
Name of Sole or First Inventor				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
KEVIN				AUTON			
Inventor's Signature						Dated	
Residence: City		Huntingdon		State		Cambridgeshire	
				Country		U.K.	
Post Office Address		42 Croftfield Rd., Godmanchester, Huntingdon, Cambridgeshire, PE29 2ED, U.K.					
City				State			
				Zip			
				Country		UK	
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental additional inventor(s) sheet(s) PTO/SB/02A attached hereto.							
Name of Inventor				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
PAUL THOMAS				RYAN			
Inventor's Signature						Dated	
Residence: City		Huntingdon		State		Cambridgeshire	
				Country		UK	
Post Office Address		74 Owl End Gt. Stukeley, Huntingdon, Cambridgeshire PE17 5AQ, U.K.					
City				State			
				Zip			
				Country		U.K.	
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental additional inventor(s) sheet(s) PTO/SB/02A attached hereto.							
Name of Inventor				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
DAVID				BYATT			
Inventor's Signature						Dated	
Residence: City				State		Cambridgeshire	
				Country		UK	
Post Office Address		26 The Paddock, Eaton Ford, St. Neots, Cambridgeshire PE19 35A, U.K.					
City				State			
				Zip			
				Country		U.K.	